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SUBJECT: UN: OIOS REPORT ON SEXUAL EXPLOITATION AND ABUSE
TO BE CONSIDERED BY FIFTH COMMITTEE

11. Summary: The Office of Internal Oversight Services (OIOS), in response to a request from the Under Secretary-General for Peacekeeping Operations, conducted a

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global review, in April and May of 2005, of discipline in field missions led by the Department of Peacekeeping Operations (DPKO). OIOS noted that while its report (A/60/713) covered the general subject of discipline, its findings and recommendations were generally in line with those contained in the report of the Permanent Representative of Jordan, Prince Zeid (A/59/710) on sexual exploitation and abuse (SEA) involving UN personnel, particularly regarding the need for a comprehensive strategy to eliminate future SEA in UN peacekeeping operations. OIOS also noted that the Special Committee on Peacekeeping Operations (C-34), in the report on its 2005 session (A/59/19/Rev.1), endorsed certain recommendations in the Prince Zeid report.

12. Summary continued: In its report, OIOS found that various forms of misconduct existed to varying degrees in all missions. While acknowledging that efforts had been made to address the problem, OIOS concluded that guidance from Headquarters was inadequate in terms of policies, procedures and guidelines and that enforcement of policies and procedures at Headquarters and in the field was poor. OIOS conveyed 28 recommendations in its report, including that DPKO should establish a dedicated full-time capacity at Headquarters and in the missions to address misconduct issues. (See paragraphs 4-6 below for a more detailed review of the OIOS report and recommendations.) (Comment: As mentioned above, OIOS conducted its review in April and May of 2005. Its report was presented to DPKO in September of 2005 and issued on March 8, 2006, following the inclusion of DPKO,s comments that indicated that the Department accepted the recommendations, and in many cases, had started to implement them. End comment.)

13. Summary continued: At its second resumed session this June, the Fifth Committee is also expected to consider the soon-to-be-released comprehensive report on SEA and conduct issues as called for in section XIV of the peacekeeping cross-cutting resolution (59/296). It will also consider the provisions in peacekeeping budgets concerning Conduct and Discipline Teams (CDTs), and the related reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ). In light of the timing of OIOS, review, a summary of the C-34,s consideration of SEA during its 2006 session is detailed in paragraphs 7-10 below. End summary.

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OIOS Report
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14. In response to a request from the Under Secretary-General for Peacekeeping Operations, OIOS conducted a global review, in April and May of 2005, of discipline in field missions led by the Department of Peacekeeping Operations (DPKO). The

objective of the review was to assist DPKO senior management in determining a course of action to strengthen UN standards of conduct and to ensure full compliance with such standards.

To achieve this objective, OIOS: assessed the state of discipline in all 18 field missions led by DPKO, as well as the UN Logistics Base (UNLB) at Brindisi, Italy; identified gaps in relevant policies and procedures and; identified tools the missions need to maintain an environment of good order and adherence to the UN standards of conduct. OIOS noted that while its report (A/60/713) covered the general subject of discipline, its findings and recommendations were generally in line with those contained in the report of the Permanent Representative of Jordan, Prince Zeid (A/59/710) on SEA involving UN personnel, particularly regarding the need for a comprehensive strategy to eliminate future SEA in UN peacekeeping operations. OIOS also noted that the Special Committee on Peacekeeping Operations (C-34), in its 2005 report (A/59/19/Rev.1), endorsed certain recommendations in the Prince Zeid report.

15. In its report, OIOS found that various forms of misconduct existed to varying degrees in all missions. While acknowledging that efforts had been made to address the problem, OIOS made a number of observations on the UN's lack of capacity and absence of provisions to adequately and comprehensively address misconduct. Among other things, OIOS concluded that guidance from Headquarters was inadequate in terms of policies, procedures and guidelines; enforcement of policies and procedures at Headquarters and in the field was poor; and resources and skills were insufficient to prevent misconduct and to enforce standards of conduct. OIOS also noted that while management had made some efforts to address the problem, these efforts were made mainly in reaction to events and negative publicity and were inconsistent across missions. Based on the results of its reviews, OIOS issued 19 individual reports to management in the field recommending corrective actions.

Recommendations of OIOS

16. The OIOS report contained 28 recommendations. Outlined below are some of the key recommendations needed to comprehensively address misconduct and prevent future incidents. Many of these recommendations have already been implemented, or are in the process of being implemented, as detailed below in paragraphs 7 to 10:

- DPKO should establish a dedicated full-time capacity at Headquarters and in the missions to address misconduct issues, establish procedures and guidelines, ensure their consistent application and develop and implement prevention programs and data tracking to ensure that personnel act under the highest standards of efficiency, competence and integrity, as required by the UN Charter;
- DPKO, in close cooperation with appropriate legislative bodies, should develop a mechanism for upgrading peacekeepers, awareness of the UN Charter and the UN standards of conduct and encourage troop-contributing countries to provide training on discipline for all levels of uniformed personnel in the predeployment period;
- DPKO, in close cooperation with appropriate legislative bodies, should also consider creating, under the aegis of the C-34, a joint committee or working group, with representatives of the Secretariat and Member States, to monitor the conduct of peacekeepers and the enforcement of disciplinary mechanisms and accountability in the field;
- DPKO should establish procedures to include the implementation of measures to address misconduct in the field, especially SEA, in the performance goals of civilian managers and civilian police managers in their performance evaluations;
- The Office of Human Resources Management (OHRM), in conjunction with DPKO, should develop practical guidance on how to implement the SYG's bulletin (ST/SGP/2003/13) on

special measures for protection from SEA;
-- DPKO should prepare a report for the GA recommending the mandatory adoption of the standards of conduct contained in the SYG,s bulletin (ST/SGB/2003/13) and the "Ten Rules: Code of Personal Conduct for Blue Helmets" and "We Are United Nations Peacekeepers";
-- OHRM, in coordination with other concerned departments, should expedite the finalization and implementation of policies and procedures dealing with the protection of UN whistle-blowers among the UN staff members
-- DPKO should ensure that training programs on the UN standards of conduct for all categories and all levels of peacekeeping personnel are instituted prior to deployment and during the mission assignment; and
-- DPKO and the heads of all missions should regularly update all peacekeeping personnel and the local population on the status of measures taken on misconduct.

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2006 session of the C-34
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¶7. At the opening meeting of the C-34,s 2006 session on February 28, 2006, Under-Secretary-General Guehenno stressed that substantial accomplishments had been made in the combat against SEA. DPKO has established and is enforcing the uniform standards of conduct for UN peacekeeping personnel; it has also created multidisciplinary conduct and discipline units (recently renamed as Conduct and Discipline Teams) in headquarters and in eight peacekeeping operations. Guehenno cautioned that sustained progress required sustained dedicated capacity to address conduct and discipline issues at headquarters and in the field and he recommended strengthening Secretariat capacity to investigate complaints. He also stressed the crucial role of Member States in the prevention of SEA and urged them to continue to work on the revision of the model Memorandum of Understanding that should contain arrangements between Member States and UN investigators.

¶8. In the U.S. statement before the C-34 on February 28th, Ambassador Sanders said that, for years, both the UN and Member States had largely ignored the issue of SEA. She commended Prince Zeid for shining a light on what is arguably one of the greatest stains on UN history and noted that while DPKO has implemented a number of measures to prevent SEA and to enforce UN standards of conduct, new allegations are surfacing of continuing incidents of SEA. She emphasized that greater action in pursuing justice for crimes already committed and in preventing such acts must be taken and said such actions can only succeed with the full support of Member States and their enforced compliance of their own peacekeepers.

¶9. In its report (A/60/19), the C-34 emphasized that prevention of acts of misconduct and the maintenance of discipline is the responsibility of managers and commanders at all levels of UN peacekeeping operations. The Committee commended the SYG,s efforts to address these issues in light of Prince Zeid,s report and the recommendations adopted at the resumed session of the Committee in 2005. It also expressed pleasure with the progress achieved to date while conveying concern at the large number of allegations of SEA and emphasized that due process and national legal requirements must always be observed during investigations. Member States requested the SYG should ensure that steps are taken to restore the image and credibility of any mission, country or individual when allegations of misconduct are found to be legally unproven. The C-34 also recalled that the discussion and implementation of the 2005 report,s recommendations should be viewed as a process that should culminate at the earliest opportunity and preferably by June 1, 2007. In addition, the C-34 noted that UN staff members and UN Volunteers are bound by the standards of ST/SGB/2003/13 and that violations of these standards will result in appropriate action within the authority of the SYG, while criminal and disciplinary responsibility in respect of

national contingents depends on the national law of the Member State.

¶10. C-34 recommendations continued: the Committee also reiterated that the responsibility for creating and maintaining an environment that prevents SEA should be included as part of the performance evaluations of managers and commanders. In this regard, DPKO will issue a Mission Directive on Sexual Exploitation and Abuse to mission leadership during the course of 2006. The C-34 recommended that DPKO take steps to improve the living conditions and welfare and recreation facilities (from within existing resources) for all categories of personnel as soon as possible. Following from the recommendations of the Zeid report and of the OIOS, Member States endorsed the development of a database within the Secretariat to track allegations of SEA and the follow-up given to those allegations. The C-34 also supported the development of the appropriate conduct and discipline capacity at UN Headquarters and in the field (Comment: this is an important endorsement, given the protracted debate at the 2005 peacekeeping session in the Fifth Committee, during which a number of delegations expressed their opposition/reluctance to provide resources for conduct and discipline units. End comment). In a similar vein, the C-34 welcomed measures taken by the Secretariat to establish professional investigation capacity in field missions and expressed its concern with the number of outstanding allegations of SEA awaiting investigation. Finally, the Committee decided to consider, during the 60th session of the GA, the SYG,s strategy for victim assistance and revised draft MOU as requested in A/59/19/Rev.1. The SYG,s report on victims assistance is due to be released to Member States shortly and will be considered by an Ad Hoc Open-Ended Working Group of the C-34.

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